

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re

CROSS MEDIA MARKETING,
CORPORATION, *et al.*,

Debtors.

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JOSEPH MYERS, Unsecured Trust
Administrator of CROSS MEDIA
MARKETING CORPORATION, *et al.*,

Plaintiff,

-against-

ANTHONY R. PIRONTI, RANDALL
GOUSE, RONALD ALTBACH, RICHARD
KAUFMAN, RICHARD COHEN, WILLIAM
R. MORRISSEY, CHET BORGIDA
ANDREW NELSON, RICHARD LEVINSON,
THE HYAID GROUP, INC., a/k/a H.Y.
APPLIED INTER-DATA SERVICES, INC.,
NATIONAL CONSUMER MARKETING,
LLC, and JOHN DOES 1-10,

Defendants.
-----X

Chapter 11
Case No. 03-13901 (BRL)

(Jointly Administered)

Adv. Pro. No. 05-02216 (BRL)

STIPULATION OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, by and among the undersigned counsel to the parties in the above-captioned adversary proceeding that, pursuant to Federal Rule of Bankruptcy Procedure 7041, the above-captioned adversary proceeding is hereby dismissed as and against defendants Anthony R. Pironti, Ronald Altbach, Richard Kaufman, Richard Cohen, William R. Morrissey, Chet Borgida, Andrew Nelson and National Consumer Marketing, LLC, with prejudice and without costs or fees to any parties.

Dated: New York, New York
January 24, 2007

ARENT FOX LLP

By: /s/ Michael S. Cryan
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*Counsel for Plaintiff Joseph Myers, Unsecured
Trust Administrator of Cross Media Marketing
Corporation, et al.*

Dated: New York, New York
January 23, 2007

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*Counsel for Defendants Randall Gouse, Ronald
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Andrew Nelson*

Dated: New York, New York
January 24, 2007

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*Counsel for Defendants Richard Cohen and
William R. Morrissey*

Dated: San Francisco, California
January 24, 2007

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*Counsel for Defendants Anthony R. Pironti and
National Consumer Marketing LLC*

Dated: New York, New York
February 5, 2007

SO ORDERED:

/s/Burton R. Lifland
UNITED STATES BANKRUPTCY JUDGE